UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

JOSHUA BLIGH and DARRIN	
EASTLICK, On Behalf of Themselves and)
All Others Similarly Situated,)
)
Plaintiffs,)
)
V.)
) CAUSE NO.: 1:15-cv-00234-JD-SLC
CONSTRUCTION RESOURCES OF)
INDIANA, INC., GEIGER)
EXCAVATING, INC., GEIGER)
LEASING, LLC, JAY C. GEIGER, and)
JODI GEIGER,)
)
Defendants.)

JOINT MOTION TO MAINTAIN DOCUMENTS UNDER SEAL

The parties, by counsel, pursuant to local rule 5-3, jointly move the Court to maintain the settlement agreements under seal. (Copies of the settlement agreements attached as Exhs. "A" and "B") The documents should be maintained under seal because (1) they are not relevant to the questions raised in the Complaint, and (2) good cause exists to maintain the settlement agreements under seal because in FLSA actions, "Parties do not have the option, as litigants do in most non-FLSA collective action cases to execute a private, confidential settlement agreement and then file a stipulation of dismissal." *Swarthout v. Ryla Teleservices, Inc.*, 2012 WL 5361756, at *3 (N.D. Ind. Oct 30, 2012). The settlement of this matter includes a confidentiality provision, necessitating filing the settlement agreements under seal under *Swarthout. Id.* The Motion to Approve the Settlement is filed contemporaneously herewith. The parties agree that the provisions of the settlement agreement, negotiated at arms-length by experienced counsel, fairly and adequately resolves the claims in this matter, and that maintaining the settlement

agreements under seal is required to maintain the confidentiality negotiated between the Parties under *Swarthout*. Therefore, the parties jointly request that the Court maintain the seal for the settlement agreements in this matter.

Respectfully submitted,

KIGHTLINGER & GRAY, LLP

s/Marcia A. Mahony

Marcia A. Mahony, Atty No. 18779-49 Attorneys for Defendants, Jay C. Geiger, Jodi Geiger and Geiger Excavating, Inc. mmahony@k-glaw.com

CERTIFICATE OF SERVICE

The forgoing was filed electronically this <u>25th</u> day of May, 2016. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the court's system.

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